

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

UNITED STATES OF AMERICA

§

V.

§

5:03-CR-15(2)

§

TONY BARNETTE NELSON

§

§

MEMORANDUM ORDER

The above-entitled and numbered criminal action was heretofore referred to United States Magistrate Judge Caroline M. Craven pursuant to 28 U.S.C. § 636. The Report of the Magistrate Judge which contains her proposed findings of fact and recommendations for the disposition of such action has been presented for consideration. No objections have been filed to the Report and Recommendation. The Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the Report of the United States Magistrate Judge as the findings and conclusions of this Court. Accordingly, it is hereby

ORDERED that Defendant's plea of true to the allegations as set forth in the Government's petition is **ACCEPTED**. Further, it is

ORDERED that Defendant's supervised release is **REVOKED**. Based upon Defendant's plea of true to the allegations and with no objection by Defendant or the Government, the Court finds Defendant did violate his conditions of supervised release as alleged in the U.S. Probation Office's petition. Further, it is

ORDERED that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of five (5) months. Further, it is

ORDERED that upon release from imprisonment, Defendant shall be placed on supervised release with the following conditions. While on supervised release, Defendant shall not commit

another federal, state, or local crime. Defendant shall not illegally possess a controlled substance, and shall refrain from any unlawful use of a controlled substance. Defendant shall be required to submit to a drug test within 15 days of release on supervised release, and at least two periodic drug tests thereafter, as directed by the probation officer. Within 72 hours of release from the custody of the Bureau of Prisons, Defendant shall report in person to the probation office in the district to which the defendant is released. Defendant shall comply with the standard conditions that have been adopted by the Court, and shall comply with the following additional conditions: (1) Defendant shall provide the probation officer with access to any requested financial information for purposes of monitoring his efforts to obtain and maintain lawful employment and to monitor his sources of income; (2) Defendant shall participate in a program of testing and treatment for drug abuse, under the guidance and direction of the U.S. Probation Office, until such time as Defendant is released from the program by the probation officer. Further, it is

ORDERED that all criminal monetary penalties are imposed in this revocation as previously ordered in the final judgment. All payments collected will be credited towards outstanding balances. Further, it is

REQUESTED that Defendant be allowed to serve his sentence at any facility other than the facility at Big Spring, Texas.

SIGNED this 23rd day of April, 2007.

A handwritten signature in black ink, appearing to read "David Folsom", written over a horizontal line.

DAVID FOLSOM
UNITED STATES DISTRICT JUDGE